

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Rezoning
ZB 4-3-01 Laystrom/Zacco, 441 Park of Commerce, 5011 State Road 7,
Buildings 1 & 2/Generally located on the west side of State Road 7, 350 feet
north of SW 51 Street.

TITLE OF AGENDA ITEM:

ZB 4-3-01 Reconsideration, C. William Laystrom, Jr., petitioner/Mario Zacco, owner (M-2 to B-2)

REPORT IN BRIEF:

The applicant is requesting to rezone the 3.12 acre subject site from M-2, Medium Industrial District to B-2, Community Business District, utilizing the Broward County 20% industrial to commercial flexibility rule, in order to utilize buildings 1 and 2 of the proposed 441 Park of Commerce for commercial/retail uses. The Comprehensive Plan recognizes that certain land designated Industrial on the Future Land Use Plan map may also be suitable for commercial use, particularly parcels that have frontage on a primary arterial corridor. Accordingly, the Comprehensive Plan allows for the rezoning of up to 20% of the industrially designated and zoned land to a commercial zoning district through the application of the "Industrial to Commercial Flexibility Rule" promulgated by the Broward County Land Use Plan. The subject site meets the Land Development Code's conventional nonresidential development criteria for the B-2, Community Business District, and will have adequate parking. The request is consistent with the established pattern of the development along the State Road 7, as the corridor is characterized by a mix of industrial and commercial zoning and uses. The applicant is required to submit a delegation request to amend the plat note for the Lester Industrial Park plat (131-43) to allow commercial/retail uses, and must satisfy Broward County traffic concurrency requirements by paying mass transit impact fees. The request was previously denied by Town Council, however Town Council has requested that the matter be reconsidered.

PREVIOUS ACTIONS:

Councilmember Truex made a motion, seconded by Councilmember Clark, to deny. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes (Motion carried 3-2).

Town Council requested to reconsider the item at the August 1, 2001 meeting, however Council tabled the item at the request of the applicant to the September 6, 2001 meeting (Motion carried 5-0).

CONCURRENCES:

The Planning and Zoning Board recommended approval of the request at its June 13, 2001 meeting (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Justification letter, Land use map, Subject site map, Aerial

Application #: ZB 4-3-01

Revisions:

Exhibit "A"

Original Report Date: 9/13/01

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Mario Zacco

Address: 2011 SW 70 Avenue, Unit A-12

City: Davie, FL 33317

Phone: (954)474-3644

Agent:

Name: C. William Laystrom, Jr.

Address: 1177 SE 3 Avenue

City: Fort Lauderdale, FL 33316

Phone: (954)762-3400

BACKGROUND INFORMATION

Date of Notification: June 6, 2001 **Number of Notifications:** 9

Application History: No deferrals have been requested.

Application Request: Rezone the 3.12 acre subject site **FROM:** M-2, Medium Industrial District; **TO:** B-2, Community Business District, utilizing the Broward County 20% industrial to commercial flexibility rule.

Address/Location: 441 Park of Commerce, 5011 State Road 7, Buildings 1 & 2/Generally located on the west side of State Road 7, 350 feet north of SW 51 Street.

Future Land Use Plan Designation: Industrial

Zoning: M-2, Medium Industrial District

Existing Use: Vacant

Proposed Use: 23,184 square foot commercial retail center

Parcel Size: 3.12 acres (135,907 square feet)

Surrounding Uses:
North: Winn Dixie Shopping Center
South: Pelican Bay Commerce Park
East: Commercial/retail/industrial within
the City of Hollywood
West: Vacant (441 Park of Commerce)

**Surrounding Land
Use Plan Designation:**

Commercial
Industrial
Commercial
Industrial

Surrounding Zoning:

North: Griffin Corridor District, State Road 7 Node

South: M-2, Medium Industrial District
East: C-4, Medium-High Intensity Commercial District, City of Hollywood
West: M-2, Medium Industrial District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property:

1. Town Council approved the Lester Industrial Park plat (131-43) on July 17, 1985, with a plat note restricting the plat to 143,100 square feet of general industrial use. Commercial and retail uses are not permitted without approval of the Broward County Board of Commissioners.
 2. Town Council approved a delegation request for the Lester Industrial Park plat (131-43), DG 5-3-98, to revise the access openings on June 17, 1998.
 3. Town Council approved the Davie Commerce Center II site plan, SP 2-4-98, on July 15, 1998.
 4. Town Council approved the 441 Park of Commerce site plan , SP 3-11-99 (formerly known as Davie Commerce Center II), on May 5, 1999.
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APPLICATION DETAILS

The applicant is requesting to rezone the 3.12 acre subject site from M-2, Medium Industrial District to B-2, Community Business District, utilizing the Broward County 20% industrial to commercial flexibility rule, in order construct a 23,184 square foot commercial retail center. The original 441 Park of Commerce site plan consisted office and warehouse uses. Then the site plan was modified to include self storage facilities. The current approved site plan consists of 8 buildings with a total building area of 125,664 square feet that have self-storage warehouses, warehouse, and office uses. The applicant is proposing to convert buildings 1 and 2 for commercial/retail uses, and the remainder of the site will remain as proposed on the approved site plan.

Applicable Codes and Ordinances

1. Section 12-307 of the Land Development Code, review for rezonings.
 2. Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, B-2, Community Business Districts, requires minimum lot area of 52,500 square feet, minimum lot frontage of 200 feet, minimum front setback of 25 feet, minimum side and rear setbacks of 25 feet, and maximum building height of 35 feet.
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Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning

area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 81. The applicant is required to submit a delegation request to amend the plat note for the Lester Industrial Park plat (131-43) to allow commercial/retail uses, and must satisfy Broward County traffic concurrency requirements by paying mass transit impact fees.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Future Land Use Plan Implementation, Industrial Land Use Category: Commercial and retail business uses, hotel, motel, and similar lodging may be permitted with assignment of “commercial flexibility” as long as the total area of these uses does not consume more than 20 percent of the industrial land designated on the Davie Future Land Use Plan map within a flexibility zone, and as long as the location of these uses do not preclude or adversely affect the future use of the surrounding areas for industrial uses.

Staff Analysis

The rezoning request seeks to capitalize on the high volume of traffic using State Road 7 by rezoning the two front buildings of the 441 Park of Commerce. The Comprehensive Plan recognizes that certain land designated Industrial on the Future Land Use Plan map may also be suitable for commercial use, particularly parcels that have frontage on a primary arterial corridor. Accordingly, the Comprehensive Plan allows for the rezoning of up to 20% of the industrially designated and zoned land to a commercial zoning district through the application of the “Industrial to Commercial Flexibility Rule” promulgated by the Broward County Land Use Plan. There are currently 125.05 acres designated as industrial on the Town’s Land Use Plan within Flexibility Zone 81, which allows the Town to apply industrial to commercial flexibility on up to 25.01 acres. This request will decrease the available acreage within flexibility zone from 25.01 by 3.12 for a total of 21.89 acres remaining.

The subject site meets the Land Development Code’s conventional nonresidential development criteria for the B-2, Community Business District, and will have adequate parking. The 441 Park of Commerce is required to have 247 parking spaces, and 280 be provided.

The request is consistent with the established nature of the development along the State Road 7, as the corridor is characterized by a mix of industrial and commercial zoning and uses. According to the Broward County Department of Planning and Environmental Protection, the proposed 23,184 square feet of unrestricted commercial use will generate an additional 4,377 vehicle-trips per day (VPD), and will generate an additional 2,889 VPD

using the “no restaurant” commercial traffic generation rate. The applicant has not specified the proposed use of the subject site beyond stating commercial/retail development, and has not precluded restaurant use subject to providing adequate parking and impact fees. This segment of State Road 7 is a six lane major arterial that operated at a level of service standard F in 1999 with 39,100 average daily trips, and is predicted to be operating at a level of service D in the year 2020, as several roadway improvements will have been completed.

The proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. The proposed use can be considered to be in harmony with the general intent and purpose of the code, will not be detrimental to the public welfare.

Findings of Fact

Rezoning:

Section 12-309(B)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation may be the most appropriate designation to enhance the Town’s tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff

recommends **approval**, of petition ZB 4-3-01.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the request at its June 13, 2001 meeting (Motion carried 5-0).

Exhibits

1. Justification letter
2. Land use map
3. Subject site map
4. Aerial

Prepared by: _____

Reviewed by: _____

SECOND AMENDED JUSTIFICATION
FOR REZONING REQUEST

The subject site contains approximately 3.12 gross acres that is the front portion of the 441 Park of Commerce. The property is contiguous to the west side of State Road 7, situated just south of Griffin Road. To the north and south are lands that are either currently zoned with commercial designations or designated as commercial on the town's future land use map. Immediately to the east is State Road 7 with the City of Hollywood on the east side of State Road 7. To the west are lands designated industrial, and further to the west is the Florida Turnpike. To the south is S.W. 51st Street and additional pockets of commercial zoning designations.

The site is ideal for commercial development in that State Road 7 forms a direct link to I-595 to the north. The petitioner currently is developing a 8 building industrial complex and proposes the rezoning of the front portion of the property containing buildings 1 and 2 from M-1 to the zoning district B-2 using the Broward County flexibility rule. This zoning would allow for the development of a commercial retail center at the eastern edge of the property fronting State Road 7.

The property is located in Flex Area #81 which contains 125.05 industrial acres of which 20% may be used for commercial rezoning. As a result, 25.01 acres can be utilized of which this project would take 3.12 acres. The rezoning would leave 21.89 industrial acres available for commercial flexibility use.

A review of the rezoning amendment request should include consideration of the criteria listed in Sec. 12-307 of the Land Development Code to determine if the request should be favorably reviewed. These criteria with respect to the subject request are discussed below.

Criterion (a): The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

Policy 7-1 of the adopted comprehensive plan of the Town of Davie provides that the Town shall endeavor to expand its economic base through the expansion of the commercial sector of its economy. Further, Policy 7-4 of the comprehensive plan states that commercial land uses shall be generally located with access to

primary transportation facilities including interstates, highways and arterials. The subject property lies in Planning Area 6, the majority of which is industrial zoned and land used plan designated. There are commercial parcels along the State Road 7 corridor, however, with one large retail center at the southeast corner of University Drive and State Road 84 to the north. Commercial flex has been applied to industrial land use plan designated lands, and the town's long term plan is to strengthen the town's non-residential tax base in this area.

As a result, the rezoning request is consistent with the adopted comprehensive plan.

Criterion (b): The proposed change would create an isolated zoning district unrelated an incompatible with adjacent and nearby districts.

The requested rezoning to B-2 is consistent and compatible with adjacent and nearby zoning districts. To the immediate north are commercial uses currently zoned accordingly. The proposed zoning district is compatible and appropriate given the zoning districts and uses that surround the site. Appropriate buffers can be put in place to address any impact to the adjacent properties.

The requested rezoning positively satisfies this criterion.

Criterion (c): Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The current zoning of the property immediately adjacent to the north is B-2, and further to the south is commercial development. Across State Road 7 to the east is commercial/retail development in the City of Hollywood. It is logical to conform the frontage property to commercial zoning while maintaining the industrial nature of the property off of the main arterial.

As a result, the proposed rezoning satisfies this criterion.

Criterion (d): The proposed change will adversely affect living conditions in the neighborhood.

The proposed B-2 designation will have no adverse impact on living conditions in the neighborhood. The proposed rezoning will allow

for commercial development of the site as a retail center in an area where similar retail uses already exist to serve the community. As access to the area has improved, the proposed rezoning will allow for development of the site in accordance with the changing nature of the area.

The requested rezoning satisfies this criterion.

Criterion (e): The proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.

Certainly commercial development will increase automobile and vehicular traffic above that occasioned by either vacant land or industrial land, but will not significantly increase traffic patterns over what currently exists on State Road 7. The proposed rezoning request will not increase automobile and vehicular traffic above the level already anticipated by the mixed industrial/commercial designation on the town's future land use map. The property which is the subject of this rezoning request contains two buildings consisting of 23,184 square feet. There are two separate calculations when utilizing the trip generation tables as currently used by the Broward County Department of Planning and Environmental Protection. Using the unrestricted commercial rate, this square footage is expected to generate an additional 4,377 vehicle-trips per day (VPD), and there is more than adequate parking available on the property to handle this use. Using the no restaurant commercial rate, the same square footage is expected to generate the net increase of 2,889 VPD over the industrial land use category. Since this property is east of the Florida Turnpike, this concurrency issue is addressed by the collection of mass transit impact fees by Broward County. Further, there is nothing to suggest that the commercial development would adversely affect public safety. A copy of the parking calculations is attached as Exhibit "A."

The proposed rezoning satisfies this criterion.

Criterion (f): The proposed change will adversely affect other property values.

The proposed rezoning will have a positive impact on surrounding property values by changing an industrial M-1 designation to B-2

zoning which will allow for a more attractive retail development. As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (g): The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

Land immediately to the north of the subject site is already developed in commercial uses. The land immediately across State Road 7 to the east in the City of Hollywood is also already developed for commercial uses. The land immediately to the south contains pockets of both industrial and commercial development. As a result, the proposed rezoning to B-2 will not be a deterrent to the improvement or development of the surrounding properties, but rather an asset to the development of the surrounding properties.

As a result, the requested rezoning satisfactorily addresses this criterion.

Criterion (h): The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The requested rezoning does not sacrifice the welfare of the general public for the benefit of an individual owner. The proposed change is consistent with the changes already granted to other land owners immediately to the north and further to the south on State Road 7 and, therefore, it does not constitute a grant of special privilege.

Criterion (I): There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning of the property is M-1 which allows for industrial development. Given the property's size and location immediately adjacent to a developed commercial center to the north and State Road 7 and its commercial development to the east, it is more appropriate for the frontage portion of this large tract to be used for commercial purposes. Further, the remainder of the tract will remain industrial to the west and, therefore, compatible with surrounding industrial lands to the northwest and southwest of the proposed property. As stated in the town's future land use plan, planning area 6 recognizes the application of commercial flex to industrial land use plan designated lands and anticipates such uses

along the State Road 7 corridor. As a result the proposed change is requested to allow a reasonable use of the portion of the property fronting State Road 7 that is consistent with the surrounding development and the comprehensive plan.

Criterion (j): The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed rezoning to B-2 will provide the greatest enhancement of the Town's tax base that could be provided on this tract of land at this given location. Again, the proposed rezoning utilizes only the minimal frontage portion of the property on State Road 7 for commercial development while maintaining the industrial nature of the vast majority of the approximately 10 acre overall site. This rezoning is in conjunction with comprehensive plan policies 7-1, 7-2, 7-3 and 7-4.

As a result, the requested rezoning satisfactorily addresses this criteria.

As has been demonstrated, the requested rezoning to B-2 is consistent with the industrial land use designation on the town's future land use plan as identified in planning area 6, and meets all the criteria contained in the Land Development Code. As a result this rezoning request merits favorable consideration.



Architectural Associates, Inc.

Architects and Planners

Tel. (954) 776-7416

Fax (954) 776-7415

Computations for Zacco 441 Project:

Buildings #1 & #2: Retail & Office Use:

Total Floor Area: 23,184 sq.ft.

Buildings #3 & #4: Self-Storage Warehouses:

Ground Floor Area: 35,280 sq.ft.

Second Floor Area: 35,280 sq.ft.

Total Floor Area: 70,560 sq.ft.

Buildings #5, 6, 7, & 8: Warehouse & Office Use:

Warehouse Space: 63,600 sq.ft.

Office Space: (42 bays @ 85.7sq.ft./bay) 3,600 sq.ft.

Total Floor Area: 67,200 sq.ft.

Area of All Buildings @ Ground Level: 125,664 sq.ft.

Parking Required

Buildings #1 & #2: 23,184 sq.ft. @ 1/250: 93 cars

Buildings #3 & #4: 70,560 sq.ft. @ 1/2,000: 38 cars

Buildings #5, 6, 7, & 8:

Warehouse Space: 63,600 sq.ft. @ 1/600: 106 cars

Office Space: 3,600 sq.ft. @ 1/300: 12 cars

Total 249 cars

Parking Provided:

Regular Spaces: 220 cars

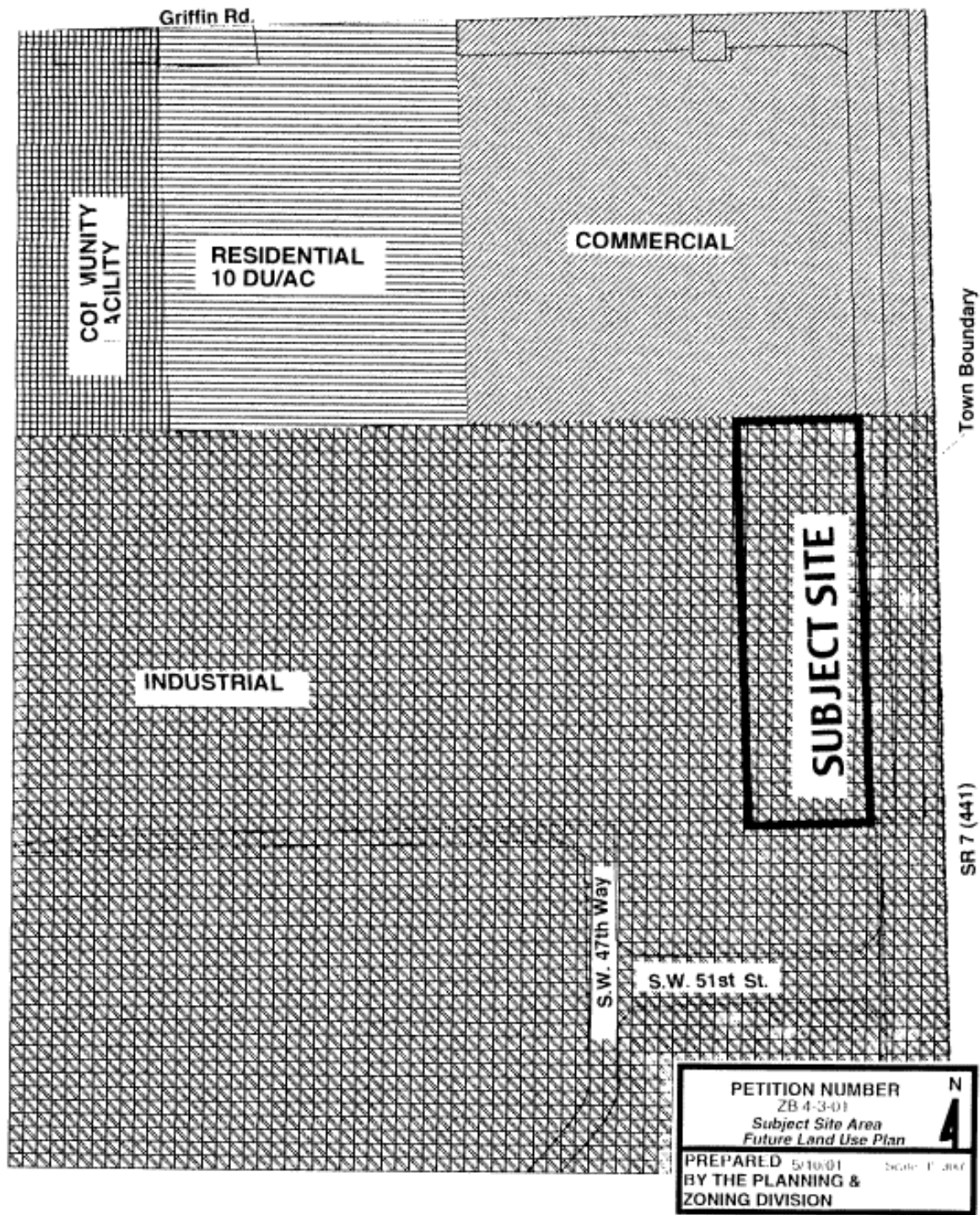
Compact Spaces: 53 cars

Handicapped Spaces: 7 cars

Total 280 cars

1001 W. Cypress Creek Road, Suite 100, Ft. Lauderdale, FL 33309

EXHIBIT "A"



Griffin Rd.

